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November 14, 2007

**VIA ELECTRONIC MAIL AND REGULAR MAIL**

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**Re: *Salesforce.com, Inc. v. The Computer Merchant, Ltd.***  
**United States District Court, Northern District of California, San Francisco Division**  
**Case No. C 07 3556 WHA**

Dear Counsel:

As you know, I have been appointed by the District Court to serve as the mediator in this case under the court's Mediation program. Please be sure to review carefully ADR L.R. 6 which governs the Mediation program.

For your information, I have practiced law in San Francisco for more than thirty-five years. Most of my practice over that period has involved litigation of complex business disputes, principally in federal courts. I graduated from the University of Pennsylvania Law School in 1971. I am admitted to practice in California, including all California district courts, in the United States Courts of Appeals for the Eighth, Ninth, Tenth and Federal Circuits and in the United States Supreme Court, in the United States Tax Court. I am also registered to practice before the United States Patent and Trademark Office.

Pursuant to ADR LR. 6-6, I will conduct a phone conference with all counsel before the formal evaluation session to discuss the following:

James A. Hughes, Esq.  
Robert Todd Sullwold, Esq.  
Hilari Hanami Hanamaikai  
Ray Edwin Gallo  
Christopher Daniel Sullivan  
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- the procedures to be followed
- the nature of the case
- appropriate dates for the mediation session and anticipated length of the session
- the parties who will be present at the session and other procedural matters
- ideas to improve the effectiveness of the mediation session or matters that could pose impediments
- requirements for your written mediation statements; and
- any questions you might have about the mediation program

I anticipate that the telephone conference will last approximately one-half hour. I would appreciate your advising me by e-mail or facsimile, with copies to all parties, of dates during the weeks of November 19 and November 26, when you can be available for a telephone conference. My facsimile number and e-mail address are set forth above. Before the telephone conference, please ascertain from your clients and any insurers a selection of dates upon which the mediation session may be conducted. The final date that the session can be held is January 15, 2008.

I wish to advise you that I have undertaken a check for potential conflicts of interest through our firm's conflict system. That conflicts check revealed no actual or potential conflicts of interest under 28 U.S.C. §455(a) and (b), and I am not aware of any other circumstances that would compromise my impartiality or the appearance of impartiality.

I look forward to assisting you on this case.

Very truly yours,



Nathan Lane III

NL/sld  
cc: Alice M. Fiel, ADR Case Administrator  
Alice\_Fiel@cand.uscourts.gov